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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 21X CAPITAL LTD.; DAVID A.
15 BREWER,

16 Plaintiffs,

17 vs.

18 ROBERT WERRA; JOHN WERRA; 20/20
19 TECHNOLOGIES, INC. and DOES 1-50,
20 inclusive,

21 Defendants.

Case No. C06-04135 JW (HRL)

**STIPULATED REQUEST FOR
FURTHER ORDER STAYING ACTION;
ORDER THEREON**

22 Plaintiffs 21X Capital Ltd. and David A. Brewer, and defendants Robert
23 Werra, John Werra, and 20/20 Technologies (collectively, "the Parties"), by and through their
24 attorneys of record, respectfully request that the Court approve the following stipulation
25 further staying this action.

26 This is an alter ego action in which plaintiffs allege that defendants are the alter
27 egos of RJW Acquisitions, L.C. ("RJW"). RJW has filed for bankruptcy in the United States
28 Bankruptcy Court for the Eastern District of Texas (Sherman Division) (case no. 06-40238)
and is the subject of ongoing bankruptcy proceedings in that court. In light of those
bankruptcy proceedings, the Parties have earlier stipulated to stays of this action.
Specifically, by stipulation and order entered on July 25, 2006, this Court approved the

1 Parties' request for a stay through November 1, 2006, vacated the dates set forth in the July 3,
2 2006 "order setting initial case management conference and ADR deadlines" (including but
3 not limited to the dates for the initial disclosures and the initial case management conference)
4 and took defendants' pending motion to dismiss or transfer venue off calendar (without
5 waiver of defendants' right to re-set such motion following the lifting of the stay). By further
6 stipulation and order entered on November 16, 2006 the Court stayed this action further
7 through February 1, 2007.

8 The RJW bankruptcy matter is still pending before the Bankruptcy Court in
9 Texas and there are various other related collateral actions. For example, plaintiff 21X has
10 filed an adversary complaint for turn-over in the United States Bankruptcy Court for the
11 Northern District of California (case number 04-31311-TEC11; adversary proceeding no. 06-
12 03189) and the RJW trustee in bankruptcy has filed an adversary action against 21X Capital
13 Ltd. and others in the United States Bankruptcy Court for the Eastern District of Texas. In
14 addition, on April 13, 2007 the United States Bankruptcy Court for the Eastern District of
15 Texas will hear a motion with respect to an alleged violation of the bankruptcy stay (the
16 trustee of RJW's estate contends that the estate owns certain of the alter ego claims pursued
17 by plaintiffs in this action).

18 In light of these pending motions, the Parties hereby stipulate that this action be
19 stayed until May 1, 2007, subject to the right of any party to terminate the stay upon five (5)
20 court days' written notice. Such written notice shall be provided both to the Court and to all
21 counsel of record. Once the stay is lifted, defendants' pending motion to dismiss or transfer
22 shall be re-set and the Parties shall attend a status conference on a date to be set by the Court
23 to discuss the date for initial disclosures, ADR compliance and options, and other trial setting
24 activities.

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1 The Parties agree that it will promote judicial efficiency, and is in the interests
2 of the Parties, if this action is stayed until the further activities in and related to RJW's
3 bankruptcy case take place.

4 The Parties respectfully request that the Court approve the forgoing stipulation
5 and that the Court enter this stipulation as an order.

6 **IT IS SO STIPULATED.**

7 For Plaintiffs:

8 Dated: February 8, 2007

ROGERS JOSEPH O'DONNELL

9 By: /s/ THOMAS CARLSON

10 Attorneys for Plaintiffs 21X CAPITAL LTD. and
11 DAVID A. BREWER

12 For Defendants:

13 Dated: February 8, 2007

MURPHY, PEARSON, BRADLEY & FEENEY

14 By: /s/ THOMAS J. D'AMATO

15 Attorneys for Defendants ROBERT WERRA; JOHN
16 WERRA; and 20/20 TECHNOLOGIES, INC.

17 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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19
20 Dated: February 12, 2007

By: 

HON. JAMES WARE
U.S. DISTRICT COURT JUDGE